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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/776,070

02/11/2004

George P. Stolzenfeld

AMI P-3003-3

2110

29318

7590

09/11/2006

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EXAMINER

ELOSHWAY, NIKI MARINA

ART UNIT

PAPER NUMBER

3727

DATE MAILED: 09/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/776,070

Applicant(s)

STOLZENFELD, GEORGE P.

Examiner

Niki M. Eloshway

Art Unit

3727

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-42 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-42 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1, 2, 6, 7, 10-14, 18, 21, 23, 24, 29, 30 and 33 are rejected under 35 U.S.C. 102(b) as being anticipated by Jacobi (U.S. 4,949,878). Jacobi teaches a bung at 91 having a first wall 34 with a fastening feature 36, a second wall at 97 and a fusible link shown adjacent lead line 99 in figure 3. See col. 5 lines 3-6 regarding the polymeric material of claim 2.
3. Claims 1, 9, 12, 19 and 23-25 are rejected under 35 U.S.C. 102(e) as being anticipated by Luburic (U.S. 6,604,647). Luburic teaches a bung shown in figure 12 having a first wall with a fastening feature, a second wall and a fusible link at 40.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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5. Claims 3, 15 and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jacobi (U.S. 4,949,878) in view of Bouc et al. (U.S. 6,571,972). Jacobi discloses the claimed invention except for the polymeric material being HDPE. Bouc et al. teaches that it is known to form a bung of HDPE (see col. 3 lines 48-50). It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the bung of Jacobi made of HDPE, as taught by Bouc et al., since HDPE is a well known and widely used material in the container art which offers sufficient strength with a reduced weight.

6. Claims 4, 5, 16, 17, 27-29, 31 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jacobi (U.S. 4,949,878). Regarding claims 4, 16, 27, 29 and 31, Jacobi discloses the claimed invention except for the thickness of the thin walled sections being less than or equal to 0.04 inches. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the bung of Jacobi with the thin walled section having a thickness of less than or equal to 0.04 inches, since it has been held that "where the general conditions of a claim are disclosed in the prior art, it is not inventive to discover the optimum or workable ranges by routine experimentation." *In re Aller*, 220 F.2d 454, 456, 105 USPQ 233, 235 (CCPA 1955).

Regarding claims 5, 17, 28 and 32, Jacobi discloses the claimed invention except for the width of the fusible link being less than or equal to 0.312 inches. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the bung of Jacobi with the width of the fusible link being less than or equal to 0.312 inches, since it has been held that "where the general conditions of a claim are disclosed in the prior art, it is not inventive to discover the optimum or workable ranges by routine experimentation." *In re Aller*, 220 F.2d 454, 456, 105 USPQ 233, 235 (CCPA 1955).

7. Claims 8, 22, 35, 36 and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jacobi (U.S. 4,949,878) in view of Stolzenfeld (U.S. 5,573,135). Regarding claims 1, 35, 36 and 38, Jacobi discloses the claimed invention except for the safety vents extending through the threads. Stolzenfeld

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teaches that it is known to form a bung with safety vents extending through the threads. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the bung of Jacobi with safety vents extending through the threads, as taught by Stolzenfeld, in order to allow venting of pressure buildup in the container prior to complete removal of the closure.

Regarding claim 22, Jacobi discloses the claimed invention except for the notches. Stolzenfeld teaches that it is known to form a bung with notches for a tool to engage. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the bung of Jacobi with tool notches, as taught by Stolzenfeld, in order to allow firm grip of the bung for removal by a conventional tool.

8. Claims 19, 20, 25 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jacobi (U.S. 4,949,878) in view of Wildfeuer (U.S. 5,074,428). Jacobi discloses the claimed invention except for the sealing ring and annular rib. Wildfeuer teaches that it is known to provide a closure with a sealing ring and annular rib adjacent the first wall (see elements 9 and 8). It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the bung of Jacobi with the sealing ring and annular rib of Wildfeuer, in order to better seal the container and prevent leaks.

9. Claim 37 is rejected under 35 U.S.C. 103(a) as being unpatentable over Jacobi (U.S. 4,949,878) in view of Stolzenfeld (U.S. 5,573,135), as applied to claim 36 above, and further in view of Bouc et al. (U.S. 6,571,972). The modified bung of Jacobi discloses the claimed invention except for the polymeric material being HDPE. Bouc et al. teaches that it is known to form a bung of HDPE (see col. 3 lines 48-50). It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the modified bung of Jacobi made of HDPE, as taught by Bouc et al., since HDPE is a well known and widely used material in the container art which offers sufficient strength with a reduced weight.

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10. Claims 39 and 42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jacobi (U.S. 4,949,878) in view of Stolzenfeld (U.S. 5,573,135) and Wildfeuer (U.S. 5,074,428). Jacobi discloses the claimed invention except for the safety vents extending through the threads and the sealing ring.

Stolzenfeld teaches that it is known to form a bung with safety vents extending through the threads. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the bung of Jacobi with safety vents extending through the threads, as taught by Stolzenfeld, in order to allow venting of pressure buildup in the container prior to complete removal of the closure.

Wildfeuer teaches that it is known to provide a closure with a sealing ring and annular rib adjacent the first wall (see elements 9 and 8). It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the modified bung of Jacobi with the sealing ring and annular rib of Wildfeuer, in order to better seal the container and prevent leaks.

11. Claim 40 is rejected under 35 U.S.C. 103(a) as being unpatentable over Jacobi (U.S. 4,949,878) in view of Stolzenfeld (U.S. 5,573,135) and Wildfeuer (U.S. 5,074,428), as applied to claim 39 above, and further in view of Bouc et al. (U.S. 6,571,972). The modified invention of Jacobi discloses the claimed invention except for the polymeric material being HDPE. Bouc et al. teaches that it is known to form a bung of HDPE (see col. 3 lines 48-50). It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the modified bung of Jacobi made of HDPE, as taught by Bouc et al., since HDPE is a well known and widely used material in the container art which offers sufficient strength with a reduced weight.

12. Claims 39 and 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stolzenfeld (U.S. 5,573,135) in view of Bouc et al. (U.S. 6,571,972). Stolzenfeld discloses the claimed invention except for the polymeric material. Bouc et al. teaches that it is known to form a bung of HDPE (see col. 3 lines 48-50). It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the bung of Stolzenfeld made of HDPE, as taught by Bouc et al., since HDPE is a

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well known and widely used material in the container art which offers sufficient strength with a reduced weight.

Conclusion

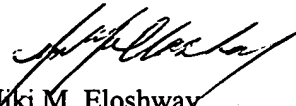
13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The prior art is cited for the teaching of the area of reduced thickness between the inner and outer skirts.

14. THIS ACTION IS NON-FINAL.

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Niki M. Eloshway whose telephone number is 571-272-4538. The examiner can normally be reached on Thursdays and Fridays 8 a.m. to 4 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan Newhouse can be reached on 571-272-4544. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Niki M. Eloshway
Examiner
Art Unit 3727

nme